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15 FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND  
16

17 **UNITED STATES DISTRICT COURT**

18 **DISTRICT OF NEVADA**

19 FIDELITY AND DEPOSIT COMPANY OF  
MARYLAND, a Maryland corporation,

20 Plaintiff,

21 vs.

22 BIG TOWN MECHANICAL, LLC, a Nevada  
limited liability company; TRAVELERS  
23 CASUALTY AND SURETY COMPANY OF  
AMERICA, a Connecticut corporation; DOES I  
through X; and ROE CORPORATIONS I-X;  
24 inclusive,

25 Defendants.

26 CASE NO.: 2:13-cv-00380-JAD-GWF

27 **STIPULATION TO ALLOW THE  
DEPOSITION OF DAVID WATKINS  
TO OCCUR AFTER THE  
SEPTEMBER 7, 2017 DISCOVERY  
CUT-OFF**

1 TRAVELERS CASUALTY AND SURETY  
2 COMPANY OF AMERICA, a Connecticut  
corporation,

3 Counterclaimant,

4 vs.

5 FIDELITY AND DEPOSIT COMPANY OF  
6 MARYLAND, a Maryland corporation, and  
MOES I-X, inclusive,

7 Counter-Defendants.

8 FIDELITY AND DEPOSIT COMPANY OF  
9 MARYLAND, a Maryland corporation,

10 Third-Party Plaintiff,

11 vs.

12 CONTROLCO, a California corporation; DOES  
I through X; and ROE CORPORATION I-X,  
inclusive,

14 Third-Party Defendant.

15 Plaintiff Fidelity & Deposit Company of Maryland (“F&D”), Defendant Travelers  
16 Casualty and Surety Company of America (“Travelers”), and Third-Party Defendant Controlco  
17 (“Controlco”) (collectively, “Parties”), by and through their respective counsel, stipulate and  
18 agree to allow the deposition of David Watkins to take place on September 22, 2017, which is  
19 after the September 7, 2017 discovery deadline.

21 **Background**

22 1. Pursuant to this Court’s most recent scheduling order [ECF No. 192]<sup>1</sup>, the  
discovery deadline is September 7, 2017.

23 2. The Parties have worked diligently to complete all depositions by September 7,  
2017, including taking multiple depositions on the same day and on weekends.

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28 <sup>1</sup> The Court did modify some of the deadlines in [ECF No. 192] in a July 5, 2017 Minute Order [ECF No. 248].  
However, none the modified deadlines set forth in [ECF No. 248] are affected by this stipulation.

1           3. The final deposition in this matter will be the deposition of David Watkins, which  
2 was initially set for September 7, 2017 in St. Louis, Missouri.<sup>2</sup> Mr. Watkins was the project  
3 manager for Perini Management Services, Inc. (“Perini”) which was F&D’s completion  
4 contractor on the five FAST Projects that are the subject of this litigation and is thus a key  
5 percipient witness.

6           4. Due to family medical issues, F&D’s Counsel and Travelers’ Counsel are unable  
7 to travel to St. Louis for Mr. Watkin’s deposition on September 7, 2017. Further due to Mr.  
8 Watkin’s schedule, the next available date for him to be deposed that is convenient for all Parties  
9 is September 22, 2017. The deposition on September 22, 2017 would take place in Las Vegas  
10 instead of St. Louis.

11          5. In light of the above, good cause exists to allow the deposition of Mr. Watkin’s to  
12 go forward on September 22, 2017 in Las Vegas, even though the deposition would take place  
13 after the September 7, 2017 discovery deadline.

14          6. Granting this stipulation will not delay the resolution of this litigation as the  
15 Parties are not requesting an extension of any court ordered deadlines.

16          DATED this 6<sup>th</sup> day of September, 2017.

17          **KOLESAR & LEATHAM**

19          By /s/ Colby L. Balkenbush, Esq.

20           ALAN J. LEFEBVRE, ESQ.  
21           WILLIAM D. SCHULLER, ESQ.  
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28           Attorneys for Fidelity & Deposit  
Company of Maryland

16          DATED this 6<sup>th</sup> day of September, 2017.

17          **CARNEY BADLEY SPELLMAN**

19          By /s/ Christopher A. Wright, Esq.

20           CHRISTOPHER A. WRIGHT, ESQ. *pro hac vice*  
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28           Attorneys for Travelers Casualty and Surety  
Company of America

2          This stipulation is without prejudice to F&D’s Motion to Re-Open Limited Discovery [ECF No. 276].

1 DATED this 6<sup>th</sup> day of September, 2017.

2 **LIPSON, NEILSON, COLE, SELTZER  
& GARIN, P.C.**

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4  
5 By /s/ David A. Markman, Esq.  
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7 Attorneys for Controlco

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10 **ORDER**

11 Pursuant to the above Stipulation of the Parties, the Court hereby ORDERS that David  
12 Watkins may be deposed on September 22, 2017 in Las Vegas, Nevada even though the  
13 deposition will take place after the September 7, 2017 discovery deadline.

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15 IT IS SO ORDERED this 7th day of September, 2017.

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18 UNITED STATES MAGISTRATE JUDGE